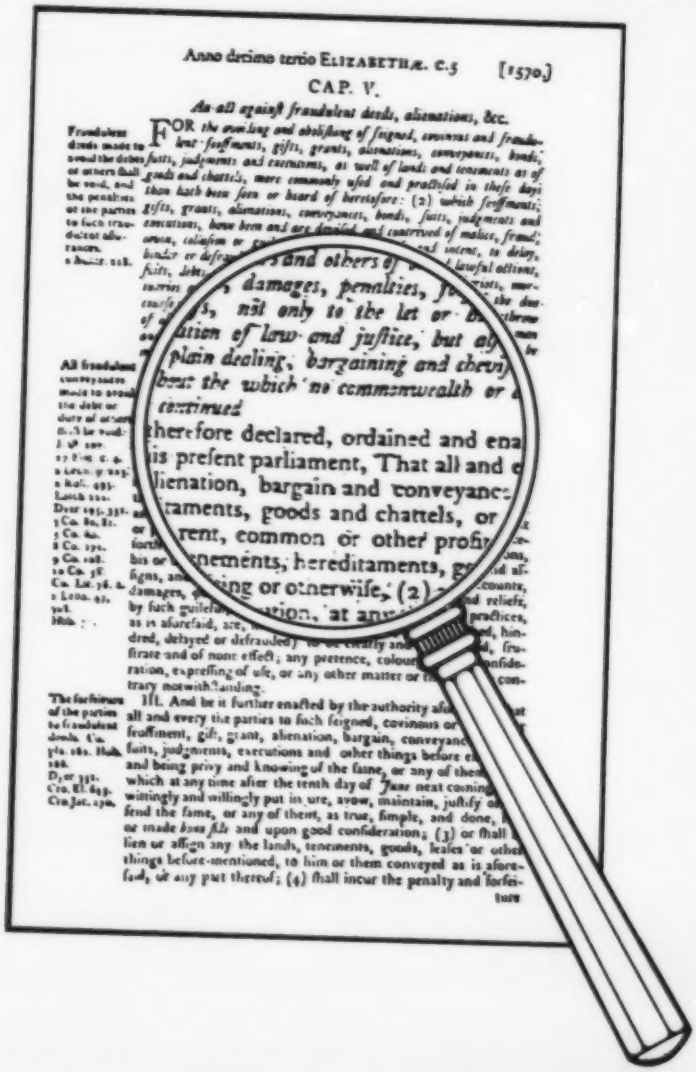
Government of Saskatchewan

Annual Report 1991 - 1992

Law Reform Commission of Saskatchewan


Anno decimo tertio ELIZABETHÆ. c.5 [1570.]
CAP. V.
An act against fraudulent deeds, alienations, &c.
FOR the avoiding and abolishing of feigned, covinous and fraudulent feoffments, gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, as well of lands and tenements as of goods and chattels, more commonly used and practised in these days than hath been seen or heard of heretofore: (2) which feoffments; gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, have been and are devised and contrived of malice, fraud;
Fraudulent deeds made to avoid the debts or others shall be void, and the penalties of the parties to such fraudulent alienations.
All fraudulent conveyances made to avoid the debt or duty of others shall be void.
The forfeiture of the parties to fraudulent deeds, &c.
III. And be it further enacted by the authority aforesaid, that all and every the parties to such feigned, covinous or
feoffment, gift, grant, alienation, bargain, conveyance
suits, judgments, executions and other things before
and being privy and knowing of the same, or any of them
which at any time after the tenth day of June next coming
wittingly and willingly put in ure, avow, maintain, justify
send the same, or any of them, as true, simple, and done,
or made bona fide and upon good consideration; (3) or shall
lien or assign any the lands, tenements, goods, leases or other
things before-mentioned, to him or them conveyed as is aforesaid, or any part thereof; (4) shall incur the penalty and forfeiture

Saskatchewan

92-05659/

ANNUAL REPORT
1991-1992

Law Reform Commission of Saskatchewan

The Law Reform Commission of Saskatchewan was established by An Act to Establish a Law Reform Commission, proclaimed in November, 1973, and began functioning in February of 1974.

The Commissioners are:

Mr. Dale G. Linn, Q.C., Chairman
Madam Justice Marjorie A. Gerwing
Mr. Gordon J. Kuski, Q.C.

Mr. Kenneth P.R. Hodges, B.A., LL.B. is Director of Research.

Mr. Michael J.W. Finley, B.A., LL.B. is Legal Research Officer. The secretary is Mrs. Kelly D. Bateman. The summer students were Ms. Lesley Cooney-Burk and Ms. Laurie Hawke.

The Commission offices are located at the Sturdy-Stone Centre, 122 Third Avenue North, Saskatoon, Saskatchewan, S7K 2H6.

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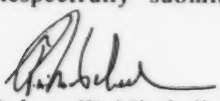
LETTERS OF TRANSMITTAL

The Honourable Sylvia Fedoruk
Lieutenant Governor
Province of Saskatchewan

Madam:

I have the honour of submitting the Annual Report of the Law Reform Commission of Saskatchewan for the period April 1, 1991 to March 31, 1992.

Respectfully submitted,



Robert W. Mitchell, Q.C.
Minister of Justice
and Attorney General

The Honourable Robert W. Mitchell, Q.C.
Minister of Justice and Attorney General
Regina, Saskatchewan

Sir:

I have the honour of submitting the Annual Report of the Law Reform Commission of Saskatchewan for the period April 1, 1991 to March 31, 1992.

Respectfully submitted,

Dale G. Linn, Q.C.
Chairman

OBJECTIVES OF THE COMMISSION

The Law Reform Commission Act provides that:

"The Commission shall take and keep under review all the law of the province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law, and for that purpose shall:

(a) receive and consider any proposals for the reform of the law that may be made to it by the Minister of Justice;

(b) prepare and submit to the Minister of Justice from time to time programs for the examination of different branches of the law with a view to their reform and shall recommend that an agency, whether the commission or a committee thereof or other body, carry out the examination;

(c) undertake, at the request of the Minister of Justice or pursuant to recommendations of the commission approved by the Minister of Justice, the examination of particular branches of the law and the formulation, by means of draft bills or otherwise, of proposals for reform therein;

(d) enter into agreements, with the approval of the Minister of Justice, with other organizations for law reform for the purposes of attaining the aims of the Commission". R.S.S. 1978, c. L-8, s. 6 as amended.

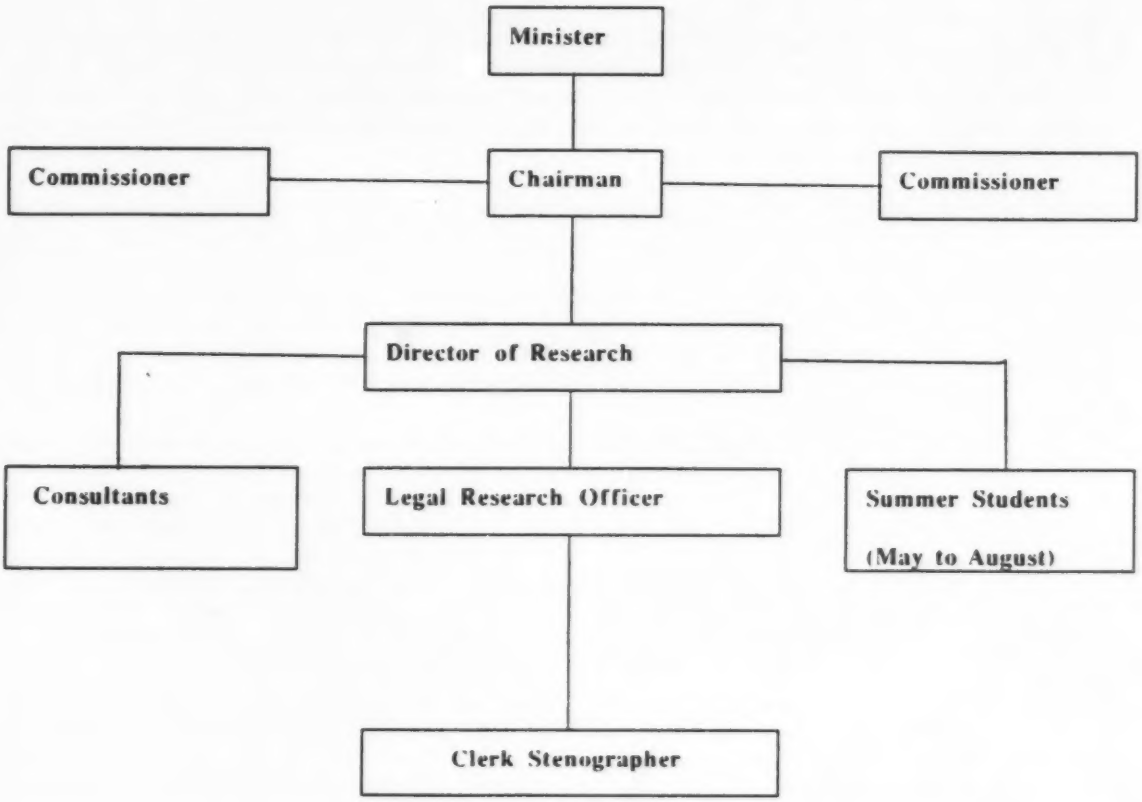
The Commission's role is to review provincial law and to assess criticisms of a significant nature from the general public concerning legislation and rules of the common law.

Topics for the Commission's research program are brought before meetings of the Commission for consideration. These topics may originate from a recommendation of the Minister of Justice, from the Commission and its staff, from the judiciary, from the legal profession, from other professional organizations, or from the public generally.

All research undertaken is supervised by the Chairman and Director of Research. Much of the research is done by the Commission's full-time staff. Many projects, however, require substantial outside consultation and expertise. Consequently, the Commission relies on the academic staff of the College of Law of the University of Saskatchewan and elsewhere for research personnel. Legal practitioners also act as consultants from time to time and give to the Commission a practical assessment of possible recommendations for legislative and procedural change.

Once the research study in a particular project is completed, the matter is placed before the Commission for discussion and consideration. The Commission may decide to issue background papers or tentative proposals for circulation to the public in order to obtain criticism and comment prior to the preparation of a final report. This may entail public meetings, hearings and workshops. The Commission's recommendations are embodied in a final report to the Minister of Justice. This report may contain general recommendations, specific legislation or drafting instructions suggesting the form of legislation which will best implement the recommendations of the final report.

ORGANIZATION CHART



DESCRIPTION OF THE PROGRAMS AND ACTIVITIES FOR 1991-92

The programs and activities carried out during 1991-92 to a large extent are a continuation of projects commenced earlier. Some of the projects are extensive in scope and involve research in a number of areas of law.

1. Family Law

New legislation, The Children's Law Act and The Family Maintenance Act embody much of the substance of Commission Background Reports and Tentative Proposals referred to in previous Annual Reports. No final reports in this area are now contemplated.

2. Personal Property Security Law

The study of consumer credit law and proposals for its reform are a part of the overall study of personal property security law in Saskatchewan. The Commission decided that proposals for the reform of basic chattel security law should be developed first, since the structure and terminology of a totally reformed personal property security law system would necessarily be part of the reform of consumer credit law.

Pursuant to this approach a final report entitled "Proposals for a Saskatchewan Personal Property Security Act" was issued in July, 1977. The Personal Property Security Act which stemmed from the proposals was enacted in 1980 and came into force on May 1, 1981.

The Commission published "A Handbook on the Saskatchewan Personal Property Security Act" in August, 1987. The Handbook includes a commentary on personal property security legislation and a review of Saskatchewan cases interpreting and applying it up to the middle of 1987.

In December, 1990, the Commission released a report entitled "Tentative Proposals for a New Personal Property Security Act". The new Act would bring Saskatchewan law more in line with the recently enacted Personal Property Security Acts of Alberta and British Columbia.

A number of meetings with private practitioners and others were held to discuss the tentative proposals. Responses to the proposals were assessed and are reflected in the final report. It is expected that "Proposals For A New Personal Property Security Act" will be released in the spring or summer of 1992.

3. Consumer Credit Law

Several years ago, the Commission undertook an extensive study of the law affecting consumer credit transactions in Saskatchewan. As part of this project, the following papers were prepared and released: "Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics. A second paper entitled "Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations" was issued in May, 1981.

A report entitled "Proposals for a Consumer Credit Act" was presented to the Minister of Justice in February 1989. This report recommended a Consumer Credit Act that addresses a wide range of consumer protection matters and that has been designed to complement The Personal Property Security Act.

While the original project design included an examination of farm credit and guarantees, the Commission decided that these are matters that should be separately addressed at a later time. It is not expected that study papers on these subjects will be produced in the current year.

4. Debtor-Creditor Law and Enforcement of Money Judgments

In 1988, the Commission decided to undertake a study of the law relating to debtor and creditor relations, with particular emphasis on money judgment enforcement. This is a very extensive project that will take several years to complete. It was decided that the first step would be the preparation of a "handbook" on existing law in this area. This would be followed by a series of studies and proposals dealing with specific aspects of judgment enforcement system. To date, some background material has been collected for the handbook. The project continues in the hands of the principal consultant, Professor Ronald C.C. Cuming of the College of Law, University of Saskatchewan.

5. Medical-Legal

"Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan" were released a number of years ago. A final report was held in abeyance pending changes to the Criminal Code. Some of these changes have now been enacted. Further work will be done reviewing the changes and considering the impact of the Charter of Rights and Freedoms on those who have been subject to a Lieutenant Governor's warrant.

6. Administrative Law

The project is now in abeyance. For details of work to date, see previous Annual Reports.

7. English Statutes

In February, 1990, a report entitled "The Status of English Statute Law in Saskatchewan" was released. In an Appendix to the report, there were proposals for disposing of English Statute Law. Further work will be required in relation to the proposals.

8. The Sale of Goods Act

Saskatchewan's sale of goods law, like that of all the other common law provinces in Canada, is based almost entirely on the English Sale of Goods Act of 1893. While some areas of sales law have been subject to special legislative measures, the general law of sales has never been revised in Saskatchewan. Veneration of nineteenth century English sales law by Canadians has not been shared by the English. Their statute has been amended four times. It would be inaccurate to conclude that existing sales law is totally out of touch with the realities of

modern commercial activity. The basic concepts of the 1893 Act remain relevant. Judicial development of sales law has been substantial over the years and generally has taken account of fundamental changes in sales practices. However, a strong case can be made for recodification and modernization of Canadian sales law.

In 1979, the Ontario Law Reform Commission released an extensive report on sale of goods law containing recommendations for extensive revision of the Ontario Sale of Goods Act. At the August meeting of the Uniform Law Conference held at Saskatoon, Saskatchewan, a motion was passed providing for the convening of a committee to examine the Ontario report and general sales law with a view to developing a Uniform Sale of Goods Act for all provinces in Canada.

In view of the fact that work in the area was to be carried out on a national level with the opportunity for co-operation among law reform agencies, the Commission decided that it should participate in the joint project under the auspices of the Uniform Law Conference.

The Uniform Law Conference Committee met regularly throughout 1980 and 1981. Professor Cuming, then Chairman of the Commission, represented the Commission at these meetings and proposed substantial amendments to the Ontario Law Reform Commission Draft Act. The Committee reported to the Uniform Law Conference in August of 1981 and its report was accepted.

While it is the intention of the Commission ultimately to recommend to the Minister of Justice that the Uniform Sale of Goods Act with appropriate modifications to reflect Saskatchewan conditions be enacted by the Saskatchewan Legislature, the Commission has decided to give a low priority to this project for the time being. The reason for this is the conclusion of Professor Ronald C.C. Cuming of the College of Law, University of Saskatchewan, the principal consultant on this project, that it would not be in the best interests of the province to enact a new Sale of Goods Act without some assurance that the other common law jurisdictions in Canada would do the same. While the existing law is inadequate in some respects, it is substantially uniform throughout these jurisdictions. This uniformity is very important because of the growing incidence of interprovincial sales transactions.

Although two other law reform agencies in Canada have recommended that the Uniform Act be adopted in their jurisdictions, there is currently little general interest among Canadian provincial legislators in proceeding at this time.

9. Products Liability

The project referred to in the 1988-1989 Annual Report is now in abeyance.

10. Real Property Law

The research relating to mortgages and other security interests in real property, referred to in the 1988-1989 Annual Report, is in abeyance.

11. The Land Titles Act

Representatives from Alberta, British Columbia, Manitoba, the Council of Maritime Premiers, the Northwest Territories, Ontario, Saskatchewan and the Yukon formed a Joint Land Titles Committee and undertook a fundamental review of The Land Titles Act. The project has been under the direction of Mr. W.H. Hurlburt, Q.C., of the Alberta Law Reform Institute with Professor Thomas W. Mapp as the consultant. In July, 1990, the Committee issued a report entitled "Renovating the Foundation: Proposals for a Model Land Recording and Registration Act for the Provinces and Territories of Canada". In Alberta, in particular, there have been some second thoughts on some aspects of the report and consequently the Committee met again in February by telephone conference call. As a result of further deliberations, an addendum report may be released.

It is expected that meetings of interested parties will be conducted by representatives from the Commission, the Department of Justice, as well as the Master of Titles to consider the proposals, such meetings to take place the latter part of 1992 or early in 1993.

12. New Home Warranties

Many Saskatchewan residents buy newly constructed houses for use as family residences. However, the sale of houses by model and the growing specialization in components such as air conditioning and heating systems have made it much more difficult for consumers to ensure that they are obtaining a building which meets certain basic standards of durability and safety. Unlike the purchaser of consumer goods, the purchaser of a new home in Saskatchewan is forced to rely substantially on common law. It is somewhat anomalous that the purchaser of a small appliance such as a toaster obtains the full protection afforded by the warranty provisions of The Consumer Products Warranties Act, whereas the purchaser of a house which has a much greater value receives no similar statutory protection and very little protection under the common law. At common law, in the absence of an express statement by the builder, implied warranties as to fitness of habitation or quality of workmanship and materials only apply if the house is not yet completed. If it is completed, the doctrine of caveat emptor, long since abolished in the area of sale of goods, still applies.

The deficiencies in the common law were recognized in Ontario, and a New Home Warranties Act was passed in 1967. The Commission has been exploring the feasibility of a study which would lead to recommendations for legislation providing purchasers of new homes in Saskatchewan with an adequate measure of legal protection against construction and material deficiencies and which would bring the law applicable to the sale and purchase of new homes more in line with that applicable to the sale and purchase of consumer goods. At present, the proposed project is in abeyance.

13. Property Guardianship

The Dependent Adults Act was enacted in 1990, providing for personal guardianship and property guardianship. Representatives of the Commission attended a number of meetings outlining and explaining the provisions of the new Act. The property provisions replace those

heretofore found in The Mentally Disordered Persons Act. Work is proceeding in-house, however, on one other aspect of the project, namely Certificates of Incompetence.

14. Costs of Accused on Acquittal

A draft report was prepared by Professor Peter MacKinnon, College of Law, University of Saskatchewan, for the Law Reform Commission of Canada and the Law Reform Commission of Saskatchewan. It was ultimately decided that each Commission would issue separate reports. Further work was done by Mrs. Vera-Marie Wolfe for the Saskatchewan Commission and in July, 1987 a report entitled "Tentative Proposals for Compensation of Accused on Acquittal" was issued.

15. The Marriage Act

Professor Ronald Fritz, College of Law, University of Saskatchewan, has prepared a report reviewing The Marriage Act. The report will be considered by the Commission in due course.

16. Living Wills

The Commission released a report on living wills entitled "Proposals For An Advance Health Care Directives Act" in December 1991. The report recommends enactment of such a statute.

17. Structured Judgments

The Commission undertook a study of the law relating to structured settlements and a draft report entitled "Structured Judgments" is being considered by the Commission. It is expected that a final report will be released in 1992.

18. The Trustee Act

The Commission has undertaken a review of The Trustee Act. It is expected that a report will be released during the latter part of 1992.

19. The Distress Act

In conjunction with its work in the area of personal property security law, the Commission has undertaken a review of The Distress Act. It is expected that a report will be released in the summer of 1992.

20. Other Activities

On occasion, representatives of the Commission have met with or made presentations to public organizations, service groups and others, and have explained the role of law reform to students. When reports are released by way of tentative proposals, press releases are issued, press conferences held and appearances made on radio and television. While law reform often is a highly technical matter, law does not operate in a vacuum and every effort is made to keep the

general public fully informed of the Commission's activities. The Commission and its staff are always receptive to comments from organizations and the public at large.

Members of the Bar have been invited to suggest areas in need of reform, and have brought to the attention of the Commission many difficulties encountered in everyday practice.

The Commission intends to undertake a study of the law relating to The Fatal Accidents Act and The Garage Keepers Act.

Proposals For An Advance Health Care Directives Act

The report recommends enactment of an Advance Health Care Directives Act which would permit any adult person who is mentally competent to make a "living will" or advance directive giving instructions about treatment to physicians when the person is suffering from a terminal illness or a condition which will result in a significantly diminished life expectancy or quality of life.

As the report points out, the very technology that sustains and prolongs life - the result of tremendous advances in medical science - also has the capacity to make dying more difficult. In recent years, there has been growing public concern about prolongation of life by artificial means. Many people want to ensure that they will be permitted to "die with dignity" when there is no hope of real recovery. Lawyers in Saskatchewan report that they are often called upon to draft living wills for their clients, and doctors are increasingly asked to honour them. Polls in North America and Great Britain indicate that at least 75% of the population believes that living wills are appropriate in a final illness.

Two types of living wills are now used in Canada. One is a directive stipulating the kind of treatment the patient will accept in a final illness, and intended to take effect if the patient becomes incapable of expressing his or her wishes. The other type appoints some one to make health care decisions on behalf of the patient in the final illness.

It is well established at common law that unless a patient consents to treatment, the treatment ordinarily constitutes an assault for which physicians and other health care workers are liable. Nevertheless, it is unclear whether general directions given in a living will before a person becomes incompetent are binding in a life-and-death situation. The proposed Act would expressly give recognition to living wills, and protect physicians who act on them from liability.

The Act would also apply in cases in which the patient is still competent when requesting cessation of treatment that will inevitably result in the patient's death. This issue recently came to public attention in the case of Nancy B., a 25 year old quadriplegic able to breathe only with a mechanical respirator, who was permitted to refuse life support by the courts in Quebec.

The proposed Act does not authorize euthanasia. It simply upholds a person's right to decide for himself or herself what medical treatment will or will not be undertaken.

PLANS FOR 1992-93

1. Personal Property Security Law

The Commission expects to issue a final report in 1992 embodying proposals for a new Personal Property Security Act.

2. Consumer Credit

Work will continue on this project, particularly in the areas of farm credit and guarantees.

3. Debtor-Creditor Law and Enforcement of Money Judgments

Work will continue on the preparation of a "handbook" on current debtor-creditor law in Saskatchewan.

4. Medical-Legal

This project continues to be monitored.

5. Administrative Law

This project is in abeyance at the present time.

6. English Statutes

Response to the proposals in the appendix to the report will be monitored.

7. The Sale of Goods Act

This project continues to be monitored by the consultant.

8. Products Liability

This project is in abeyance at the present time.

9. Real Property Law

A paper on security interests in land may be available in the near future.

10. The Land Titles Act

Some further work will be undertaken in 1992 or 1993 by way of meetings with interested parties to consider proposals contained in the report of the Joint Land Titles Committee.

11. New Home Warranties

This project is in abeyance at the present time.

12. Property Guardianship

Work continues in the area of Certificates of Incompetence.

13. Costs of Accused on Acquittal

Responses to the Commission's paper entitled "Tentative Proposals for Compensation of Accused on Acquittal" will continue to be assessed.

14. The Marriage Act

This project is in abeyance at the present time.

15. Structured Judgments

It is expected a report will be released in 1992.

16. The Trustee Act

It is expected a report will be released in 1992.

17. The Distress Act

It is expected a report will be released in 1992.

18. Other Activities

It is expected that reports will be drafted relating to The Fatal Accidents Act and The Garage Keepers Act.

The Commission also undertakes a number of smaller practice-oriented projects from time to time and recommendations are made to the Minister of Justice concerning these.

FINANCIAL INFORMATION

The Law Reform Commission is now financed by the Province of Saskatchewan and the Law Foundation of Saskatchewan. For the fiscal year April 1, 1991 to March 31, 1992, the Commission received a grant of $110,000 from the Province through the Department of Justice. The Commission also received a grant in a similar amount from the Law Foundation. In addition, the Foundation provided a special grant to provide for more up-to-date computer and word processing equipment.

The Commission is most grateful for the support provided by the Province and the Law Foundation of Saskatchewan. In addition, the Commission wishes to acknowledge its indebtedness to the Provincial Auditor for auditing the books of the Commission and providing the Annual Financial Statements which follow.

THE LAW REFORM COMMISSION OF SASKATCHEWAN

FINANCIAL STATEMENTS

Year Ended March 31, 1991

OFFICE OF THE PROVINCIAL AUDITOR

REGINA, SASKATCHEWAN

AUDITOR'S REPORT

To the Members of the Legislative Assembly
of Saskatchewan

I have audited the balance sheet of the Law Reform Commission of Saskatchewan as at March 31, 1991 and the statement of revenue, expenditure and operating surplus for the year then ended. These financial statements are the responsibility of the Commission's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 1991 and the results of its operations and the changes in its financial position for the year then ended in accordance with the accounting principles disclosed in Note 1 to the financial statements.

W.K. Strelioff

Regina, Saskatchewan
May 31, 1991

W. K. Strelioff, C.A.
Provincial Auditor

LAW REFORM COMMISSION OF SASKATCHEWAN

BALANCE SHEET

AS AT MARCH 31

	1991	1990
ASSETS		
Current		
Cash	$ 35,822	$ 40,380
Inventory	1,262	6,428
Total current assets	37,084	46,808
Fixed (Note 1)		
Office equipment	8,036	7,300
Library (Note 4)	2,375	1,247
	10,411	8,547
	$ 47,495	$ 55,355
LIABILITIES AND EQUITY		
Current		
Accounts payable	$ ---	$ 14,526
Equity		
Equity in fixed assets (Note 1)	10,411	8,547
Accumulated operating surplus - Statement 2	37,084	32,282
Total equity	47,495	40,829
	$ 47,495	$ 55,355

(See accompanying notes to the financial statements)

LAW REFORM COMMISSION OF SASKATCHEWAN

STATEMENT OF REVENUE, EXPENDITURE, AND OPERATING SURPLUS

YEAR ENDED MARCH 31

	1991	1990
Revenue		
Consolidated Fund appropriation	$110,000	$110,000
Law Foundation grants		
- operating	110,000	90,000
- printing	---	17,609
- research	6,240	3,760
Sale of published materials	3,326	4,530
Sale of library books (Note 4)	3,945	6,145
Interest	5,565	3,579
Sundry	142	445
	239,218	236,068
Expenditure		
Salaries and employee benefits	85,676	77,718
Commissioners' and Chairman's honoraria	8,600	8,600
Printing	29,236	23,067
Rent (Note 3)	25,593	11,800
Consultant services	74,217	76,130
Travel	3,325	3,462
Equipment purchases	735	5,856
Equipment rental and repairs	167	77
Telephone	2,486	2,432
Office supplies	1,911	2,216
Library purchases	1,128	246
Miscellaneous	1,342	951
	234,416	212,555
Excess of revenue over expenditure	4,802	23,513
Operating surplus, beginning of year	32,282	8,769
Operating surplus, end of year	$ 37,084	$ 32,282

(See accompanying notes to the financial statements)

LAW REFORM COMMISSION OF SASKATCHEWAN

NOTES TO FINANCIAL STATEMENTS

March 31, 1991

1. Significant Accounting Policies

These financial statements have been prepared on the accrual basis of accounting and include the following significant accounting policies:

a) Inventory of publications is valued at the lower of cost and net realizable value.

b) Fixed Assets and Equity in Fixed Assets

Expenditures for fixed assets appear in the statement of revenue, expenditure and operating surplus. To maintain accountability, fixed assets are recorded in the balance sheet as assets with a corresponding entry to "Equity in Fixed Assets". Because fixed assets purchased are included in the statement of revenue, expenditure and operating surplus, no provision has been made for depreciation of fixed assets.

At the time of disposal or retirement, proceeds are recorded as revenue and the costs of assets disposed or retired are removed from the fixed asset accounts. A corresponding amount is removed from "Equity in Fixed Assets".

2. Incorporation

The Law Reform Commission Act was amended effective November 6, 1987. At that date the Commission became a body corporate and continued the operations of the Law Reform Commission of Saskatchewan.

The purpose of the Commission is to review all the law of the Province with a view to its systematic development and reform and generally the simplification and modernization of the law.

3. Rent

The Commission's cost of office space was absorbed by the Department of Justice for the period April 1 to September 30, 1989. Office space charges since that date are the responsibility of the Commission and are paid primarily to the Saskatchewan Property Management Corporation, a related party. The Commission's space charges for 1991 fiscal year amount to $25,593 (1990 - $11,800).

4. Library

The library consists of materials acquired by the Commission prior to becoming a body corporate in 1987, valued at a nominal value of $1, and subsequent additions at cost.

A nominal value of $1 was used as the majority of the materials acquired prior to 1988 are no longer utilized by the Commission. Although the materials are offered for sale, their sale is uncertain and they are thus considered contingent assets.

Funds received from the sale of library materials are recorded as revenue of the Commission.

5. Related Party Transactions

Related parties to the Commission are Saskatchewan's Crown controlled departments, agencies and corporations. Transactions with these parties are recorded at normal market prices except as described herein.

6. Comparative Figures

The prior year's figures have been reclassified to conform with the current year's presentation.

PERSONNEL

The Commission

The Law Reform Commission Act provides that the Commission shall be composed of not less than three members appointed by the Lieutenant Governor in Council and that one of the members shall be designated as Chairman. Mr. Dale G. Linn, Q.C., of Saskatoon, is the Chairman and Madam Justice Marjorie A. Gerwing and Mr. Gordon J. Kuski, Q.C., both of Regina, are the other Commissioners.

Mr. Linn was appointed to the Commission as Chairman in October, 1987. Madam Justice Gerwing was appointed to the Commission in 1976 and Mr. Kuski in 1982.

Previous members of the Law Reform Commission were Professor Brian A. Grosman (Chairman, 1974-78), Professor Ronald C.C. Cuming, Q.C. (Chairman, 1978-82), Dr. D.A. Schmeiser, Q.C. (Chairman, 1982-87), Mr. Justice E.D. Bayda (Commissioner, 1974-76) (now Chief Justice for the Province of Saskatchewan) and Mr. George J.D. Taylor, Q.C. (Commissioner, 1974-82).

The Staff

Mr. Kenneth P.R. Hodges is the Director of Research having joined the Commission in October of 1976. The Legal Research Officer is Mr. Michael J. Finley. He joined the Commission in March of 1977.

The Commission also retains the services of a number of people as part-time consultants. The Commission is pleased to be able to rely on these outside consultants and is obliged to them for their ongoing efforts which have helped to maintain a healthy level of law reform activity within the province.

THE DEPARTMENT OF JUSTICE

The Commission works closely with the Department of Justice. Members of the staff meet with officials of the Department from time to time. It is expected that the staff will provide assistance to the Department in the area of certificates of incompetence, exemptions, foreclosure and other matters which may arise. In addition, the Director of Research works with officials of the Department on Uniform Law projects.

OTHER LAW REFORM AGENCIES

The Commission has, during the course of the year, continued to develop good liaison with other law reform agencies both in and outside Canada. This exchange of information is essential to the functioning of the Law Reform Commission of Saskatchewan. Such close liaison minimizes the replication of research and makes available to this Commission research papers, reports and proposals which can be adapted to the Saskatchewan legal environment without incurring the financial burden necessitated by initiating original legal research in each area undertaken. The Saskatchewan Commission has gained substantially from the research completed by other Commissions in areas of mutual interest.

In order to maintain important contacts in areas of interest to the Commission and its research commitments, the Chairman, the Director of Research and other members of the staff attended various meetings and conferences during the year. The Chairman attended the annual meeting of the Canadian Bar Association, in August 1991 in Calgary, Alberta and the mid-winter meeting of the Saskatchewan Branch of the Canadian Bar Association, in February 1992 in Regina, Saskatchewan. The Chairman and the Director of Research attended the first annual meeting of the Federation of Law Reform Agencies of Canada (formerly the Law Reform Conference of Canada) in Regina in August, 1991. The Director of Research also attended the Uniform Law Conference of Canada in Regina. The Legal Research Officer attended a Staff Development Workshop, sponsored by the Federation of Law Reform Agencies of Canada, in Winnipeg in May, 1991.

PUBLICATIONS*

1. First Mini-Working Paper, Division of Matrimonial Property, Problems Within the Present Law, June 1974.
2. Second Mini-Working Paper, Division of Matrimonial Property, Possible Solutions to Problems Within the Present Law, September 1974.
3. Third Working Paper, Division of Matrimonial Property, Tentative Proposals for Reform of Matrimonial Property Law, October 1974.
** 4. First Annual Report 1974.
5. Background Paper, Reform of Personal Property Security Law in Saskatchewan, May 1975.
6. Background Paper, Family Maintenance Between Husband and Wife, November 1975.
7. Background Paper, Children's Maintenance, January 1976.
** 8. Second Annual Report 1975.
** 9. Tentative Proposals for a Saskatchewan Personal Property Security Act, February 1976.
10. Report to the Attorney General, Proposals for a Saskatchewan Matrimonial Homes Act, May 1976.
11. Report to the Attorney General, Conflict of Interest, March 1977.
** 12. Third Annual Report 1976.
13. Working Paper, Provincial Offences: Tentative Recommendations for Reform, April 1977.
** 14. Report to the Attorney General, Proposals for a Saskatchewan Personal Property Security Act, July 1977.
** 15. Fourth Annual Report 1977.
16. Tentative Proposals for a Consent of Minors to Health Care Act, November 1978.
17. Fifth Annual Report 1978.
17a. Annual Report 1978 (to the Legislature).
18. Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, March 1979.
19. Tentative Proposals for Reform of The Jury Act, May 1979.
20. Tentative Proposals for Custody Law Reform, Part I: Substantive Law, August 1979.
21. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, November 1979.

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* All the Commission's publications are free of charge with the exception of:

No. 68, A Handbook on the Saskatchewan Personal Property Security Act, August, 1987, which is available at a cost of **$15.00** per copy, and tax.

No. 74, The Status of English Statute Law in Saskatchewan, February, 1990, which is available at a cost of **$20.00** per copy, and tax.

** **Out of Print**

22. Proposals for Reform of The Jury Act, December 1979.
23. Tentative Proposals Relating to the Civil Rights of Children, December 1979.
24. Proposals for a Consent of Minors to Health Care Act, February 1980.
25. Sixth Annual Report 1979.
25a. Annual Report 1979 (to the Legislature).
26. Tentative Proposals for Custody Law Reform, Part II: Procedures and Support Services, May 1980.
27. Tentative Proposals for a Definition of Death Act, June 1980.
28. Tentative Proposals for an Occupiers' Liability Act, June 1980.
29. Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics, August 1980.
30. Proposals for an Occupiers' Liability Act, October 1980.
31. Proposals for a Definition of Death Act, December 1980.
32. Tentative Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1981.
33. Tentative Proposals for Defences to Provincial Offences, February 1981.
34. Yearly Review 1980.
34a. Annual Report 1980 (to the Legislature).
35. Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations, May 1981.
36. Tentative Proposals for an Equality of Status of Married Persons Act, May 1981.
37. Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property, July 1981.
38. Tentative Proposals for a Human Artificial Insemination Act, November 1981.
39. Proposals on Custody, Parental Guardianship and the Civil Rights of Minors, December 1981.
40. Tentative Proposals for a Compulsory Mental Health Care Act, November 1981.
41. Tentative Proposals for an Enforcement of Maintenance Orders Act, March 1982.
**42. Yearly Review 1981.
42a. Annual Report 1981 (to the Legislature).
43. Proposals for an Equality of Status of Married Persons Act, May 1982.
44. Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1983.
45. Yearly Review 1982.
45a. Annual Report 1982 (to the Legislature).
46. Proposals Relating to Guest Passenger Legislation, August 1983.
47. Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan, January 1984.
48. Yearly Review 1983.
48a. Annual Report 1983 (to the Legislature).

** Out of Print

49. Tentative Proposals for Reform of The Matrimonial Property Act, September 1984.
50. Proposals for a New Coroners Act, September, 1984.
51. Proposals for Restoring Civil Remedies Lost Upon Forfeiture Under The Automobile Accident Insurance Act, October 1984.
52. Proposals Relating to Ademption by Equitable Conversion, October 1984.
53. Tentative Proposals Relating to Testamentary Custody and Guardianship of Children, October 1984.
54. Proposals Relating to the Change of Name of Children of Divorced Parents, March 1985.
55. Proposals Relating to Joint Obligations, June 1985.
56. Yearly Review 1984.
56a. Annual Report 1984 (to the Legislature).
57. Proposals for a Compulsory Mental Health Care Act, March 1985.
58. Proposals for a Survival of Actions Act, May 1985.
59. Proposals Relating to Matrimonial Property Legislation, December 1985.
60. Yearly Review 1985.
60a. Annual Report 1985 (to the Legislature).
61. Tentative Proposals for Changes in Limitations Legislation, Part II: The Limitation of Actions Act, May 1986.
62. Proposals for Defences to Provincial Offences, December 1986.
63. Yearly Review 1986.
63a. Annual Report 1986 (to the Legislature).
64. Proposals for a Human Artificial Insemination Act, March, 1987.
65. Tentative Proposals for a Frustrated Contracts Act, April, 1987.
66. Proposals Relating to the Rules Against Perpetuities and Accumulations, June 1987.
67. Tentative Proposals for Compensation of Accused on Acquittal, July, 1987.
68. A Handbook on the Saskatchewan Personal Property Security Act, August 1987.
69. Annual Report and Review 1987
70. Proposals for a Frustrated Contracts Act, November, 1988.
71. Proposals for a Consumer Credit Act, February, 1989.
72. Annual Report and Review 1988.
73. Proposals for a New Limitation of Actions Act, April 1989.
74. The Status of English Statute Law in Saskatchewan, February 1990.
75. Annual Report 1989-1990
76. The Bulk Sales Act, June 1990.
77. Tentative Proposals for a New Personal Property Security Act, December 1990.
78. Annual Report 1990-1991
79. Proposals for an Advance Health Care Directives Act, December 1991.

INFORMAL REPORTS*

1. The Tax Enforcement Act - Section 33, July 1984
2. The Change of Name Act: Publication of Notice of Change of Name, July 1984
3. The Rights of Parents Under The Family Services Act, February 1985
4. Proposals Relating to The Labour Standards Act: Employers' Deductions from Wages, September 1985
5. Proposals Relating to Lis Pendens, November 1985
6. Proposals Relating to Removal of a Certificate of Action under The Builders' Lien Act, February 1986
7. The Queen's Bench Act - Section 20, August 1986
8. Proposals Relating to Section 63 of The Automobile Accident Insurance Act, January 1987
9. Proposals Relating to Section 11 of The Criminal Injuries Compensation Act, June 1987

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* These are unpublished reports but typewritten copies are available upon request.